

REMARKS

The Office examined claims 1-8, 10-21, 25-29 and rejected same. With this paper, none of the claims are amended, none are canceled and none are added.

Claim Rejections under 35 USC §103

The Office rejected claims on the following grounds:

Claims 1-4, 6-7, 17 and 25-29 are rejected under 35 USC §103(a) as being unpatentable over Nilsson (U.S. Patent No. 6,400,967, Nilsson hereinafter) in view of Mori Tatsuya (JP Pub. 2000-261349, Mori Tatsuya hereinafter) (page 3).

Claims 5, 8, 11-16, and 18-21 are rejected under 35 USC §103(a) as being unpatentable over Nilsson in view of Mori Tatsuya and further in view of Kubo (U.S. Patent No. 6,580,923) (page 5).

The present invention as in claim 1 is a housing for a mobile telecommunication device. The housing comprises a unitary tubular body having an open end for insertion of electronic components therein. The body has a plurality of apertures in one face for receiving keys of a keymat mounted on an inner wall of the body, and an opening in another face opposite the apertures for receiving a battery pack.

The primary reference, Nilsson, teaches a compact mobile telephone (col. 4, lines 19-31). The compact mobile telephone has a tubular body and is keyless, i.e. the tubular body does not have "a plurality of apertures in one face for receiving keys of a keymat" The keyless mobile telephone is operable by voice-activated dialing and programming. According to Nilsson, the keyless mobile telephone is customized, convenient, inexpensive, voice-actuated, prepaid, and it involves limited complications, along with limited risk and exposure for owners while enabling expanded communication capabilities and features (Col. 2, lines 53-58).

Therefore, Nilsson explicitly teaches to intentionally eliminate the keymat for making the mobile phone compact and inexpensive. Consequently, attaching the keymat to the keyless mobile phone would render the mobile phone unsatisfactory for its intended purposes.

The secondary reference, Mori Tatsuya, is nothing more than a traditional mobile telephone device with a housing body that comprises at least a front case and a rear cover. The housing, as shown in the drawings, is clearly not a unitary tubular body. A key sheet and a circuit board are mounted on the front case and one end of the rear cover can be engaged with the front case by fitting means. As stated in the instant application, in the conventional housings such as the one disclosed by Mori Tatsuya, the joint between the two housing portions extends all the way around the assembled telephone housing and is clearly visible. This compromises the design and appearance of the telephone thereby reducing the overall quality and feel of the product to consumers (page 1, lines 21-25). The present invention solves this problem by providing a unitary tubular housing. The present invention deviates from Mori Tatsuya with the features recited in claim 1 and dependent claims thereof, namely "*a unitary tubular body having an open end for insertion of electronic components therein, the body having a plurality of apertures in one face for receiving keys of a keymat mounted on an inner wall of the body, and an opening in another face opposite the apertures for receiving a battery pack.*" This unitary tubular housing is not disclosed by Mori Tatsuya and no teaching or suggestion of modifying the non-unitary housing body into a unitary housing body can be found in Mori Tatsuya, for whatever the purpose.

The Applicant respectfully submits that, based on the above, even if the combination of the references Nilsson and Mori Tatsuya taught, individually, every element of claim 1, as the Examiner alleged, claim 1 still cannot be rejected based on a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations (MPEP 2143).

As presented above, first, none of the cited prior art references suggests the desirability of the claimed invention (see MPEP 2143.01 I). Second, even if the combination of the references is possible, the proposed modification renders the prior art unsatisfactory for its intended purpose

(see MPEP 2143.01 V). Nilsson explicitly teaches that attaching a keymat to the mobile phone would render the mobile phone unsatisfactory for being compact and disposable. Mori Tatsuya does not suggest using a unitary tubular housing. At least according to these two facts, a *prima facie* case of obviousness cannot be established in this case, and it follows that the 35 USC §103(a) rejection of claim 1 is improper and should be withdrawn.

Claims 2-8, 10-17 and 19-21 depend from claim 1. Independent claims 25 and 28 have the same novel features as claim 1. Claims 26, 27 and 29 depend from claim 25 or 28. Therefore, these claims are patentable as well. Applicant respectfully requests the rejections of all pending claims of the instant application under USC §103(a) be withdrawn.

Conclusions

For all the foregoing reasons, it is believed that all of the claims of the application are now in condition for allowance, and their passage to issue is earnestly solicited. Applicant's agent urges the Examiner to call to discuss the present response if there are any questions.

Respectfully submitted,

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